

REMARKS/DISCUSSION:

This Amendment A is being filed within three months after the shortened statutory period for response that ended on March 27, 2006. Accordingly, a Petition for a Three-Month Extension of Time is attached hereto.

By this Amendment A, claims 16-22 are pending in this application. Claims 1-15 have been withdrawn.

Amendment and/or cancellation of claims are not to be construed as a dedication to the public of any of the subject matter of the claims previously presented. Further, Applicant(s) reserves the right to prosecute the subject matter of such claims in continuation and/or divisional applications.

To the extent that the present amendments constitute a narrowing of the claims, such narrowing of the claims should not be construed as an admission as to the merits of the prior rejections. Indeed, Applicant traverses the rejections and preserves all rights and arguments. While Applicant has noted several distinctions over the art of record, Applicant notes that several other distinctions exist, and Applicant preserves all rights and arguments with respect to such distinctions.

Applicant has carefully studied the outstanding Office Action. This Amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Rejection under 35 U.S.C. § 102(e)

Claims 16-18, 20 and 22 stand rejected as being anticipated by U.S. Patent Publication US2003/0135087 to Hickle et al. as recited in the office action.

Applicant respectfully transverses the Examiner's rejection of Claims 16-18, 20 and 22, because, according to Applicant's understanding, the Hickle et al.

reference neither teaches nor suggests all of the elements of the Applicant's invention. Under MPEP 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim, and the elements must be arranged as required by the claim. Under this standard, Applicant submits that Hickle et al. fails to anticipate amended independent claim 16.

The Hickle et al. reference does not, according to Applicant's understanding, teach or suggest a microprocessor-based patient unit having at least one second connection point to a micro processor-based procedure unit. For explanation of the different microprocessor-based units, Applicants direct the Examiner's attention to paragraphs 31-35, 39 and Fig. 6 of the specification.

Nor has the Examiner identified any portion of the Hickle et al. reference that teaches Applicant's claimed structure or even discloses an appreciation of a patient unit in combination with a procedure unit. Accordingly, Applicant respectfully requests reconsideration of this rejection.

Rejection under 35 U.S.C. § 103

Claims 19 and 21 stand rejected as being unpatentable over Hickle et al. in view of Hickle (6,807,965) as stated in the office action. Based on the previous discussions, Hickle et al. nor Hickle, alone or in combination, disclose or suggest the claimed invention. Reconsideration is requested.

Under MPEP 2143, in order to establish a *prima facie* case of obviousness, the prior art reference or combination of references must teach or suggest all of the limitations of a claim. A *prima facie* case of obviousness also requires that there be some teaching suggestion, or motivation to modify the references either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. MPEP 2143.01.

In view of the foregoing requirements for a *prima facie* case of obviousness, Applicant submits that the combined art of record fails to render the amended claims obvious. In particular, Applicant notes that the combination of references fails to teach or suggest all of the limitations of each amended independent claim in accordance with MPEP 2143.03.

Conclusion

Applicant submits that in view of the discussion, the rejections under 35 U.S.C. §§ 102(e) and 103 have been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END-5011NP/VEK.

Respectfully submitted,

Verne E. Kreger, Jr., Reg. #35231/
Verne E. Kreger, Jr.

Verne E. Kreger, Jr.
Attorney for the Applicant(s)
Reg. No. 35,231

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
513 337-3295
DATED: June 20, 2006